

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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In the Matter of )  
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Amendment to Part 13 of the Rules )  
to Privatize the Administration of )  
Examinations for Commercial Radio )  
Operator Licenses and to Clarify )  
Certain Rules )

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY  
FO Docket No. 92-206

To: The Commission

REPLY COMMENTS

The National Association of Radio and Telecommunications Engineers, Inc. (NARTE), by its attorney, hereby submits its Reply Comments in the above captioned proceeding. As discussed below, a majority of the commentors in this proceeding have urged procedures and criteria for privatization of radio operators license examinations similar to those advanced in NARTE's Comments.

**I. NUMBER OF EXAMINERS**

The majority of commentors in this proceeding have agreed that there should not be a single entity designated as the administrator of commercial operator examinations, but that instead a small group of examiners should be appointed. Indeed, most of the commentors urged the Commission to appoint those entities such as NARTE who are identified in the Commission's March 20, 1985 Public Notice, FCC 85-133, Mimeo No. 35649, as having already established a testing and certification program in the wake of the Commission's deregulation efforts in Docket Nos. 20817 and 83-322.<sup>1</sup>

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<sup>1</sup> See Comments of the National Association of Business and Educational Radio (NABER), Southeastern Community College, Communications and Emergency Products, Inc., Tad E. Hobbs, United

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One commentor, WESMAC (at page 1) urges the Commission to restrict the number of examining entities to less than 25. Frederick O. Maia asserts that "the only practical limit on the number of [examiners] is the ability of the Commission to deal with them," and notes that there are 18 Volunteer Examiner Coordinators in the Amateur Radio Service (which has a privatized examination process). However, the ability of the Commission to supervise examining entities is only one of the factors to be considered in limiting their number. As noted in NARTE's Comments at page 6, if the pool of potential licensees is spread too thin among dozens of different examiners, it will be difficult for these examiners to maintain economic viability, even if they are nonprofit organizations. In the Amateur Radio Service, there are more than 60,000 licenses issued each year by the 18 Volunteer Examiner Coordinators, as compared to only 9,200 licenses to be issued by the entities chosen to administer commercial operator examinations. See Maia Comments at page 3. If there are too many commercial operator examiners, it will create a great deal of pressure on each examiner to cut costs by reducing the quality of the examination, operating fewer test sites, and offering the examination on a less frequent basis. Instead, NARTE agrees with the comment of NABER

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Technologies-Hamilton Standard, Idaho Power, Maple Woods Community College, Melvin L. Pruitt, Tri-State Generation and Transmission Association, Inc., San Marcos Telephone Company, K.J. Benner & Associates, Pacific Bell Broadcast Services, KAPER Technologies and NARTE.

(at page 5) that no more than five examiner entities should be appointed.<sup>2</sup>

## II. CONSENSUS ON OTHER ASPECTS OF PRIVATIZATION

### A. Comments in Response to Commission Inquiries

The Commentors in this proceeding agreed on many aspects of the examination procedure, in response to the Commission's solicitation of comments on certain issues in its Notice of Proposed Rule Making. The industry response agrees in many respects with the ideas set forth in NARTE's initial Comments, as discussed below.

#### 1. Examiner Criteria

NARTE advocated that the appointed examining entities be restricted to nonprofit organizations, who are experienced in administering radio operator licensing/certification examinations; have a significant body of experience with regard to radio operator requirements, including a mechanism for input from the industry and academia; have adequate resources and infrastructure to administer the examination at convenient times and locations nationwide; and have a mechanism in place to ensure that the examination will be updated to reflect developments in the industry, and administered by a process that ensures the examination's integrity. NARTE

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<sup>2</sup> NARTE disagrees with the recommendation of the American Radio Association (ARA) that the tests be administered by the Coast Guard Regional Examination Centers. There are only 17 such centers according to ARA, concentrated in areas of maritime activity. While this may be useful for the maritime community, it would not be suitable for commercial operator licensees throughout the rest of the United States, who may or may not be interested in maritime radio.

Comments at pages 7-10. Many commentators agreed with these criteria. In particular, SCI Maritime Training (SCI) (at page 2) agrees that the entities should be nonprofit. ARA, NABER and SCI agree that the examining entities should be experienced in the administration of operator license tests. NABER (at pages 5-6) and SCI (at page 2) agree that the entities should have a significant body of experience in the radio operator area. These commentators likewise agree that each examiner should have the resources to administer the test on a wide scale basis, at convenient times. See NABER Comments at page 6; SCI Comments at page 2. The majority of commentators urged the Commission to take various measures to ensure the quality of the examination content.

## 2. Inventory/Operating Constraints

NARTE pointed out in its Comments that the adoption of strict entry criteria and a limit on the number of examining entities should minimize the need for Commission imposed operating constraints. While some commentators urge that the Commission adopt significant restraints on the examination process, others (including NARTE) disagree, since these constraints may hinder the development of better examinations, and would require enforcement mechanisms that would defeat the Commission's resource-saving goal. With regard to the prevention of conflicts of interest, many commentators expressed concern over the giving of examinations by entities who are either (1) members of the radio industry that may be tempted to compromise the examination process for the benefit of their own employees or (2) providers of operator training

courses that may be tempted to compromise the examination results for their students so as to achieve a high "success" ratio. NARTE agrees that both of these scenarios raise concerns that should be addressed by the Commission. NARTE notes that, where the examiner entity is a nonprofit organization of professionals from both the industry and academia, and has widespread membership that prevents it from becoming beholden to any particular member of the industry, the potential for a conflict of interest is minimized.

### 3. Commission Supervision

Some entities, such as ARA (at page 8), urge significant Commission supervision of the testing process. NARTE disagrees with this approach so long as the strict criteria urged in NARTE's Comments are adopted to screen examiner entities. Again, requiring the Commission to assume a significant supervision role only defeats the purpose of privatizing these examinations, namely, to preserve Commission resources.

### 4. Fees

Most commentators agree that the fees to be charged cannot be calculated until the Commission adopts specific requirements for the examination process. See Comments of NABER at page 9; Maia at page 12. NARTE agrees with this assessment. Because of the uncertainty concerning the cost of administering these examinations, NARTE disagrees with those who advocate a \$35.00 maximum fee. See, e.g., Comments of SCI at page 4. As noted in NARTE's initial Comments, it may be appropriate for the fee to vary

with the type of examination to be given, and how difficult it is to administer. See also Comments of NABER at page 9. Likewise, it may be appropriate to vary the frequency of the renewal cycle. See NARTE Comments at pages 15-16. NARTE also agrees with those commentators advocating that a higher fee can be charged for those persons who wish to take an examination on a date other than the scheduled times. See Comments of ARA at page 9; NABER at page 9; and WESMAC at page 3.

#### 5. Number Of Test Centers

Many commentators agree with NARTE that the examining entities should have test centers nationwide. There are some differences on how many centers would be required. WESMAC urges that there be at least 45 test sites. NABER advocates at least 50 test sites. NARTE urges the Commission to support at least one test site in each of the 50 states, including test centers in any major population centers.

Other commentators urge the Commission to appoint "regional" examiner entities. See, e.g., Maia Comments at pages 7-8. However, because there are only 9,200 likely examination candidates, the establishment of regional examiners may dilute the revenues for examiner entities, especially in areas such as the Rocky Mountain region where the population may not sustain numerous test centers or frequent examination times. Also, if a single regional entity is appointed, the benefits of "competition" are lost.

ARA urges that widespread availability of the examination process calls for the examination to be administered at least every month, if not more frequently. However, this monthly requirement would not appear necessary, and may make it difficult to ensure the integrity of the examination process through the use of new questions. As a practical matter, if three or four nationwide examiner entities are appointed, they are likely to schedule their examinations at different times, thereby affording potential applicants frequent opportunities to take the examination during the course of the year.<sup>3</sup>

#### 6. Design/Administration Capabilities

Some commentators argue that the Commission should make up the questions to be used on the commercial operator examinations. See NABER Comments at page 11. Cf. ARA Comments at page 8. However, this approach would place on the Commission the very burden which it seeks to eliminate through the privatization process, and ignores the Commission's acknowledged inability to frequently update the examination questions to reflect technology developments. See NPRM at paragraph 4. NARTE respectfully submits that a non-profit organization group with the mechanism to consult with major elements of the communication industry and academia will be better suited to update and improve the examination questions.

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<sup>3</sup> The recommendation of Maia for a 3-person mobile testing team, is likely to entail considerable expense in travel and other costs, and therefore requires further study.

NARTE agrees that each examination should be compiled by a random selection from a large question bank. It likewise agrees that the various examiner entities should share information concerning test problems and improvements, to increase the overall quality of the examination process. See NARTE Comments at page 15. However, NARTE disagrees with those commentators advocating that all examining entities be required to use the same questions. This approach would eliminate the benefits arising from each examiner striving to develop higher quality examinations. It may also increase the difficulty of maintaining the integrity of the examination, by hindering the introduction of new or modified questions. In this regard, NARTE agrees with the proposal of NABER that the Commission afford confidentiality to any examination submitted to it for review by the appointed examiners. This will help to encourage the development of higher quality examinations by assuring the examiners that their efforts to improve the quality of their tests will not go unrewarded.

#### 7. Costs

Most commentators agree that, until the Commission adopts a specific privatization program, it will be difficult to determine with any certainty the costs of administering the examination process. See Comments of NABER at page 12; Comments of Maia at page 12.

With regard to the costs to the Commission, it is clear that the Commission will have to expend a significantly greater amount of its resources if it adopts the heavy-handed supervisory



role urged by some of the commentors. If the Commission adopts the strict entry criteria described above, as well as the other safeguards advocated by NARTE at pages 11-12 of its Comments (such as the requirement for the examining entity to have an elected board, published bylaws, a code of ethics, and an appeal process), the need for Commission supervision should be minimized.

As a further cost-cutting measure to the Commission, NARTE would advocate that the examiner entities be allowed to print a license for each person successfully completing the examination. This license could be forwarded to the Commission for registration and to have the Commission's official seal affixed to it. This should reduce the Commission's oversight expenses, without compromising the supervisory/licensing powers which the Commission is to maintain under Section 303(1) of the Communications Act of 1934, as amended.

### III. THE NEED FOR OFFICIAL DESIGNATION AND UNIFORMITY

At least one other commentor agrees with NARTE's suggestion that the Commission should widely publicize the appointment of its examiner entities, and take such other measures as are necessary to ensure their recognition by the industry as the official examination process. See Comments of Maple Woods Community College.<sup>4</sup>

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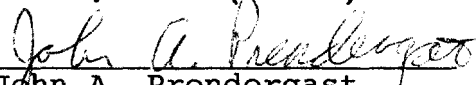
<sup>4</sup> One of the commentors, the Association of American Railroads (AAR), indicates at page 4 of its comments that the railroad industry has found that industry certification programs have not always been satisfactory for determining the competency of railroad technicians. NARTE notes that it has successfully administered

The AAR urges the Commission to revisit the elimination of licensing requirements for private radio and microwave maintenance personnel. NARTE agrees with this proposal, whether it is done as part of this proceeding or in a separate rulemaking. As discussed in NARTE's Comments (at pages 18-19), there is a need for greater uniformity in the operator/technician requirements for members of the telecommunications industries, to eliminate the confusion that exists among industries using telecommunications. This proposal would be consistent with the goal of Congress in passing the Network Reliability Act. As indicated by the attached letter of Representative Edward J. Markey, Chairman of the House Subcommittee on Telecommunications and Finance, "[e]vidence shows that the path to improving the quality of the network system is through improving the quality of the people involved with it." The reimposition of licensing requirements on technicians and engineers in the land mobile and microwave fields would further this goal.

Respectfully submitted,

**The National Association of  
Radio and Telecommunications  
Engineers, Inc. (NARTE)**

Blooston, Mordkofsky, Jackson  
and Dickens  
2120 L Street, N.W., Suite 300  
Washington, D.C. 20037  
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By:   
John A. Prendergast  
Its Attorney

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a certification program utilized by some of the largest members of the railroad industry, including the Union Pacific Railroad. The AAR's apparent unfamiliarity with NARTE's testing procedures utilized by various railroads only underscores the need for the Commission to publicize its privatization process on a wide-scale basis, making the various industries aware of the official nature of this examination procedure.

EDWARD J. MARKEY, MASSACHUSETTS, CHAIRMAN

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MICHAEL SILIRAKIS, FLORIDA  
DAN SCHAEFER, COLORADO  
JOE BARTON, TEXAS  
NORMAN F. LENT, NEW YORK  
(EX OFFICIO)

**U.S. House of Representatives**  
**Committee on Energy and Commerce**

**SUBCOMMITTEE ON TELECOMMUNICATIONS AND FINANCE**

**Washington, DC 20515-6119**

**October 2, 1992**

ROOM H2-318  
FORD HOUSE OFFICE BUILDING  
PHONE (202) 226-2424

HERBERT H. BROWN  
CHIEF COUNSEL AND STAFF DIRECTOR

Mr. Ray D. Thrower, NCE, P.E.  
President, NARTE, Inc.  
P.O. Box 678  
Medway, MA 02053

Dear Mr. Thrower:

I enjoyed receiving your letters about the Network Reliability Act and the certification of telecommunication engineers. As Chairman of the Telecommunications and Finance Subcommittee, I appreciate this opportunity to respond to your concerns. I apologize for the tardiness of my reply.

First, I would like to thank you for your support of H.R. 4789, the Network Reliability Act. This legislation was designed to establish network reliability standards and provide for the enforcement of such standards. I have enclosed a transcript of hearings held on the bill last spring which might be of interest to you.

As you mentioned in your letter, service outages such as the Blackstone, Massachusetts outage in November and the severe AT&T outage last year in New York underscore the need for quality engineers. Both of these demonstrated the extent of poor management and human error. Better-trained employees could have helped avert the problems.

I have attempted to address the issue of competence in the Network Reliability Act. Although this bill will not become law this year, I remain committed to this important issue and intend to pursue it in the 103d Congress. Evidence shows that the path to improving the quality of the network system is through improving the quality of the people involved with it.

I applaud your efforts to improve the system. Your activities in promoting telecommunications engineering as a career option and efforts toward establishing a telecommunications engineer and technician certification program are important steps toward a better network system.

Mr. Ray D. Thrower  
October 2, 1992  
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Once again, I enjoyed hearing your views. Keep up the good work and be assured that I will pursue these important issues in the next Congress. Please do not hesitate to contact me if I may be of any further assistance to you.

Sincerely,

  
Edward J. Markey  
Chairman

Enclosure

**CERTIFICATE OF SERVICE**

I hereby certify that I am an attorney with the law offices of Blooston, Mordkofsky, Jackson & Dickens, and that on this 17th day of November, 1992, I caused to be mailed by first class United States mail, postage prepaid, a copy of the foregoing "REPLY COMMENTS" to the following:

Kenneth J. Benner  
K.J. Benner & Associates  
1251 No. Kent St.  
St. Paul, MN 55117

Richard D. Churchill  
Fredric Stawarz  
Constantinos J. Mantis  
United Technologies Hamilton Standard  
Windsor Locks, CT 06096

Richard L. Davis  
President  
WESMAC  
3926 Bledsoe Avenue  
Los Angeles, CA 90066

Frank M. DuRocher  
Lead Instructor  
Hennepin Technical College  
9200 Flying Cloud Drive  
Eden Prairie, MN 55347-2600

James J. Fitzpatrick, III  
Director of Operations  
SCI Maritime Training  
241 Water Street  
New York, NY 10038

William C. Franken  
Technology Division Chair  
Maple Woods Community College  
2601 N.E. Barry Road  
Kansas City, MO 64156

Cindy A. Gordon  
Account Manager  
The Roach Organization, Inc.  
660 White Plains Road, #400  
Tarrytown, NY 10591

David E. Hilliard, Esquire  
Nancy J. Victory, Esquire  
Counsel for The American Radio Association  
Wiley, Rein & Fielding  
1776 K Street, N.W.  
Washington, D.C. 20006

Tad E. Hobbs  
P.O. Box 1583  
Riverton, WY 82501

Kees Kaper, NCE  
Kaper Technologies  
Eastons Corner RR3  
Jasper Ontario  
KOG 1GO

Thomas J. Keller, Esquire  
Jacqueline R. Kinney, Esquire  
Counsel for The Association of American Railroads  
Verner, Liipfert, Bernhard,  
McPherson And Hand, Chartered  
901 15th Street, N.W.  
Suite 700  
Washington, D.C. 20005

Raymond A. Kowalski, Esquire  
Keller and Heckman  
1001 G Street, N.W. #500 West  
Washington, D.C. 20001

Larry J. LaBorde  
Telecommunications Resource Associates  
P.O. Box 79186  
Houston, TX 77279

Larry L. Leek  
Substation Electronics Specialist  
1617 West 7th Street  
Rifle, CO 81650

John C. Lenahan, Jr.  
Instructor  
Electronics Technology Program  
Southeastern Community College  
South Campus  
335 Messenger Road  
Keokuk, Iowa 52632-1088

John T. Mahoney  
Project Engineer  
Wolters Communication Contractors, Inc.  
221 SE Everett Mall Way  
Suite M5  
Everett, WA 98208

Lawrence H. O'Toole  
Director  
MEBA TriState Engineering School  
27050 St. Michaels Road  
Easton, MD 21601

Melvin L. Pratt  
P.O. Box 544  
APO AP 96558

Barbara G. Rubin  
Director of Member Services  
International Society of Certified  
Electronics Technicians  
2708 West Berry Street  
Fort Worth, TX 76109-2356

Richard M. Sealock, N.C.T.  
Pacific Bell Broadcast Services  
San Francisco

F.K. Skaggs  
Communications Engineer  
Idaho Power Company  
P.O. Box 70  
Boise, ID 83707


John D. Slama  
College of Technology  
825 41st Avenue, N.E.  
Columbia Heights, MN 55421-2974

Ron Smith  
President  
Communications & Emergency Products, Inc.  
10404 Cash Road, Building E #100  
Stafford, TX 77477

Nancy Stewart  
James R. Stewart  
Hector Hernandez  
Robert Carr  
Kerry Ellis  
San Marcos Telephone Company  
P.O. Box 828  
208 South Guadalupe Street  
San Marcos, TX 78667-0828

David E. Weisman, Esquire  
Alan S. Tilles, Esquire  
Counsel for the National Association Of Business  
and Educational Radio, Inc. (NABER)  
Meyer, Faller, Weisman and Rosenberg  
4400 Jenifer Street, N.W.  
Suite 380  
Washington, D.C. 20015

Paul Zerafa  
Associate Professor, Dept. of Marine  
Transportation  
U.S. Merchant Marine Academy  
Steamboat Road  
Kings Point, NY 11024

  
John A. Prendergast